

VIA EXPRESS MAIL NO. EV268061326US
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Daniel L. Krissell

Application No.: Not yet Assigned

Filing Date: Herewith

Entitled: ADJUSTED MONITORING IN A
RELATIONAL ENVIRONMENT

Docket No.: 7161-114U

Group Art Unit: Not yet Assigned

Examiner: Not yet Assigned

INFORMATION DISCLOSURE STATEMENT

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22312-1450

Dear Sir:

It is desired to cite for the record in this application the enclosed articles, United States and foreign patents listed on the attached copy of Form PTO/SB/08A and PTO/SB/08B. The paragraph(s) marked below are applicable to this Information Disclosure Statement.

The attached Form PTO/SB/08A and PTO/SB/08B provides a listing of information which may be relevant to the subject application. This Information Disclosure Statement is not intended as a representation that better art is not available, or that the information provided is prior art.

[X] (1) The enclosed Information Disclosure Statement is being filed within three months of the filing date or within three months of the date of entry of the national stage of the above-identified application. Accordingly, Applicant(s) believes that no fee or certification is required.

[] (1a) The enclosed Information Disclosure Statement is being filed before the mailing of a first Office action on the merits under 37 C.F.R. §1.97(b)(3); or before the mailing of a first Office action after the filing of a request for continued examination under §1.114. Accordingly, Applicant(s) believes that no fee or certification is required.

[] (1b) Pursuant to 37 C.F.R. §1.97(c), the enclosed Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by the fee set forth in § 1.17(p).

[] (2) Pursuant to 37 C.F.R. § 1.97(d), Applicant states that the issue fee has not been paid and that a certification under 37 C.F.R. §1.97(e) is provided herein, along with the fee of \$180.00 required under 37 C.F.R. §1.17(p).

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (1)

[] (3) The undersigned hereby certifies that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application mailed not more than three months prior to the filing of this statement.

CERTIFICATION UNDER 37 C.F.R. §1.97(e) (2)

[] (4) The undersigned hereby certifies that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual having a duty of disclosure as set forth in 37 C.F.R. §1.56(c) more than three months prior to the filing of this statement.

The concise statement of relevance for Japanese language document JP 2002-373085 A can be found in the English language translation of its abstract and claims, a copy of which is enclosed herewith.

The filing of this Information Disclosure Statement is not representation by the undersigned as to the personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.

If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy Rule 98(a) (3) even if in a foreign language, since the few terms of relevance therein are deemed of universal cognizance. However, Applicant does not necessarily adopt the position reflected by that report.

It is respectfully requested that the enclosed references be considered by the Examiner and that a copy of the enclosed Form PTO/SB/08A and PTO/SB/08B be initialed and returned to us indicating that such information has been considered.

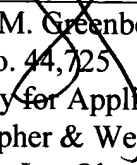
Application No.: Not yet Assigned
Filing Date: Herewith
Atty. Docket No. 7161-114U

The Commissioner is hereby authorized to credit overpayments or charge payment of any additional fees associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted,

Dated: October 28, 2003

By:



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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known		
				Application Number	Not yet Assigned	
				Filing Date	Herewith	
				First Named Inventor	Daniel L. Krissell	
				Art Unit	Not yet Assigned	
Examiner Name	Not yet Assigned					
Sheet	1	of	2	Attorney Docket Number	RSW9-2003-0137US1 (7161-114U)	
U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	Document Number Number- Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
		US-5,564,015	10/08/1996	J.C. Bunnell		
		US-5,634,008	05/27/1997	N.J. Gaffaney, et al.		
		US-5,867,659	02/02/1999	S.D. Otteson		
		US-5,991,708	11/23/1999	F.E. Levine, et al.		
		US-6,026,440	02/15/2000	T.J.L. Shrader, et al.		
		US-6,182,022 B1	01/30/2001	G.E. Mayle, et al.		
		US-6,265,970 B1	07/24/2001	M. Whitehead		
		US-6,438,374 B1	08/20/2002	K.V. Bhat		
		US-6,314,463 B1	11/06/2001	F. Abbott, et al.		
		US-6,446,029 B1	09/03/2002	J.R. Davidson, et al.		
		US-6,452,617 B1	09/17/2003	C.L. Bates, et al.		
		US-6,553,403 B1	04/22/2003	S. Jarriel, et al.		
FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. ¹	Foreign Patent Document Country Code ³ - Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		EP 0455 946 A2	11/13/1991	International Business Machines Corporation		
		JP 2002-373085 A	12/26/2002	Mitsubishi Electric Corp.		
Examiner Signature			Date Considered			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP901.04. ³

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)				Application Number	Not yet Assigned
				Filing Date	Herewith
				First Named Inventor	Daniel L. Krissell
				Group Art Unit	Not yet Assigned
				Examiner Name	Not yet Assigned
Sheet	2	of	2	Attorney Docket Number	RSW9-2003-0137US1 (7161-114U)

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		PROROCK, T.J., <u>Enhanced Method for Monitoring Critical Resources in Token Ring Networks</u> , <i>IBM® Technical Disclosure Bulletin</i> , Vol. 40, No. 01, January 1997	
		Anonymous Author, <u>Method of Polling Multiple Devices With Limited Resources, While Ensuring the Timeliness of Device Status Polling Thread Scheduler</u> , Article No. 428149, p. 1710, <i>Research Disclosure</i> , Disclosed by International Business Machines Corporation, December 1999	
		Anonymous Author, <u>Unattended Monitoring of Random, Multi-client DB2 Stress Workload</u> , Article No. 450153, p. 1801, <i>Research Disclosure</i> , Disclosed by International Business Machines Corporation, October 2001	
		KRINTZ, C., et al., <u>NwsAlarm: A Tool for Accurately Detecting Resource Performance Degradation</u> , <i>NASA Information Power Grid Project and NASA Ames Research Center</i> , pp. 404-413, ©2001 IEEE	
Examiner Signature		Date Considered	

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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents Washington, DC 20231.